

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

08 CV 7204

WAYNE EMERSON THOMAS,

JUDGE SEIBEL

Plaintiff,

COMPLAINT

Docket no.:

-against-

THE COUNTY OF WESTCHESTER and THE
WESTCHESTER COUNTY DEPARTMENT OF
CORRECTIONS,

JURY TRIAL DEMANDED

Defendants.

Plaintiff, by his attorneys, STEPHEN R. KRAWITZ, LLC, as and for his Verified Complaint,
respectfully alleges, upon information and belief:

1. The plaintiff, WAYNE EMERSON THOMAS at all times herein mentioned was and still is a resident of the County of the Westchester, City and State of New York.
2. At all times herein mentioned, defendant THE COUNTY OF WESTCHESTER was and still is a municipal corporation or other business and legal entity which operates the Westchester County Medical Center providing medical services in the County of Westchester, State of New York.
3. At all times herein mentioned, defendant THE WESTCHESTER COUNTY CORRECTIONAL FACILITY was and still is a sub-division of the COUNTY OF WESTCHESTER, providing medical services to incarcerated inmates in the County of Westchester, State of New York.
4. This action is brought pursuant to 42 U.S.C Section 1983 therefore jurisdiction and venue are proper.
5. On or about April 19, 2006, the plaintiff was refused medical care and treatment from defendant THE COUNTY OF WESTCHESTER.

6. On or about April 19, 2006, the plaintiff was refused medical care and treatment from defendant THE WESTCHESTER COUNTY CORRECTIONAL FACILITY.

7. On or about April 19, 2006 the plaintiff was sent to the Westchester County Medical Center trauma center for treatment of serious injuries sustained by the plaintiff.

8. On or about April 19, 2006 the defendants were advised that plaintiff must be examined by an Orthopedic surgeon within the next (7) seven days from his initial visit on April 19, 2006. Defendants were under an obligation, based on specific medical evidence to make arrangements to produce plaintiff for an examination with an orthopedic surgeon.

9. Between April 19, 2006 and May 18, 2006, plaintiff was held as an inmate in the psych ward at the WESTCHESTER COUNTY DEPARTMENT OF CORRECTIONS, and was refused medical treatment which was pursuant to the direct and written order of the initial treating physician at the Westchester County Medical Center.

10. The injuries to the plaintiff were caused by the negligence, carelessness and malpractice of the defendants, their agents, servants and/or employees, in that they either jointly or severally failed to render proper medical care to the plaintiff; failed to make a proper and adequate diagnosis; failed to render proper, adequate and immediate medical care and/or treatment; failed to heed plaintiff's condition; failed to perform indicated medical procedures; performed improper and/or contraindicated medical procedures; negligently and carelessly and in violation of good, sound medical custom and practice failed to exercise due and reasonable care under the circumstances, so as to avoid injuring the plaintiff; and failed to obtain the informed consent of the plaintiff.

11. By reason of the foregoing, the plaintiff was caused to suffer pain, discomfort, disability, and mental and emotional shock and was damaged thereby.

12 .Due to defendants' negligence, plaintiff WAYNE EMERSON THOMAS is entitled to damages in a sum which exceeds the jurisdictional limit of this Court.

WHEREFORE, the plaintiff demands judgment awarding damages, in an amount exceeding the monetary jurisdictional limit of this Court, together with interest and the costs and disbursements of this action, and such other and further relief as to this Court seems just and proper.

Dated: New York, NY
August 11, 2008



STEPHEN R. KRAWITZ, LLC
By: Stephen R. Krawitz, Esq. (SRK8770)
Attorneys for Plaintiff
271 Madison Avenue, Suite 200
New York, NY 10016
(212) 682-0707

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WAYNE EMERSON THOMAS,

Docket no.:

Plaintiff,

-against-

**ATTORNEY'S
CERTIFICATION**

THE COUNTY OF WESTCHESTER and THE
WESTCHESTER COUNTY DEPARTMENT OF
CORRECTIONS,

Defendants.
-----X


STATE OF NEW YORK)
COUNTY OF NEW YORK)

STEPHEN R. KRAWITZ, an attorney duly admitted to practice law in the State of New York,
being duly sworn deposes and says:

I am a member of the law firm of STEPHEN R. KRAWITZ, LLC, the attorneys for the plaintiff
in the above captioned matter.

I have read the foregoing Complaint and know the contents thereof; the same is true to my own
knowledge except as to the matters therein stated to be alleged on information and belief and that as to
those matters, I believe them to be true.

The grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are
correspondence had with the said plaintiffs, information contained in the said plaintiffs' file, which is in
affirmant's possession, and other pertinent data relating thereto.



STEPHEN R. KRAWITZ

Sworn to before me this 11th day
of August, 2008.



NOTARY PUBLIC

LISA SALZBERG
Notary Public, State of New York
No. 02SA6173182
Qualified in Richmond County
Commission Expires Aug. 20, 20 10